

26-19-8 Statute of limitations -- Survival of right of action -- Insurance policy not to limit time allowed for recovery.

- (1)
 - (a) Subject to Subsection (6), action commenced by the department under this chapter against a health insurance entity shall be commenced within:
 - (i) subject to Subsection (7), six years after the day on which the department submits the claim for recovery or payment for the health care item or service upon which the action is based; or
 - (ii) six months after the date of the last payment for medical assistance, whichever is later.
 - (b) An action against any other third party, the recipient, or anyone to whom the proceeds are payable shall be commenced within:
 - (i) four years after the date of the injury or onset of the illness; or
 - (ii) six months after the date of the last payment for medical assistance, whichever is later.
- (2) The death of the recipient does not abate any right of action established by this chapter.
- (3)
 - (a) No insurance policy issued or renewed after June 1, 1981, may contain any provision that limits the time in which the department may submit its claim to recover medical assistance benefits to a period of less than 24 months from the date the provider furnishes services or goods to the recipient.
 - (b) No insurance policy issued or renewed after April 30, 2007, may contain any provision that limits the time in which the department may submit its claim to recover medical assistance benefits to a period of less than that described in Subsection (1)(a).
- (4) The provisions of this section do not apply to Section 26-19-13.5.
- (5) The provisions of this section supercede any other sections regarding the time limit in which an action shall be commenced, including Section 75-7-509.
- (6)
 - (a) Subsection (1)(a) extends the statute of limitations on a cause of action described in Subsection (1)(a) that was not time-barred on or before April 30, 2007.
 - (b) Subsection (1)(a) does not revive a cause of action that was time-barred on or before April 30, 2007.
- (7) An action described in Subsection (1)(a) may not be commenced if the claim for recovery or payment described in Subsection (1)(a)(i) is submitted later than three years after the day on which the health care item or service upon which the claim is based was provided.

Amended by Chapter 297, 2011 General Session